

IN RE: PETITION FOR ZONING VARIANCE
W/S of Yorktowne Drive, 330' N of c/l of Stevenson Lane (7312 Yorktowne Drive) 9th Election District 4th Councilmanic District
Raymond L. Roth, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-326-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 16 feet in lieu of the required 30 feet for enclosure of an existing deck, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petitioners was Larry Van Hoose, President of New Age Builders, a contractor.

Testimony indicated that the subject property, zoned D.R. 5.5 is located off of Stevenson Lane in Towson. The Petitioners testified that they propose to enclose the existing deck in the rear of the property. The enclosure will be redesigned to provide a powder room for the first floor and an entrance to the attached garage. Petitioners indicated that the proposed improvements are necessary for health and safety reasons. Due to the unique characteristics of the lot, the proposed improvements cannot be made without requesting a variance.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Deputy Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

2) Hearing Date: _____
Petitioner's Name: _____
Planning File: _____
Traffic Engineer: _____
City: _____

Mr. & Mrs. Raymond L. Roth
7312 Yorktowne Drive
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S of Yorktowne Drive, 330' N of c/l of Stevenson Lane
9th Election District - 4th Councilmanic District
Case No. 88-326-A

Dear Mr. & Mrs. Roth:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction stated in the attached Order.

In the event the decision rendered is unfavorable to any party, please advise that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Larry E. Van Hoose
1726 Linden Avenue, Baltimore, Md. 21217
People's Counsel
File

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of February, 1988 that a rear yard setback of 16 feet in lieu of the required 30 feet for the enclosure of an existing deck, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bj

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Raymond L. Roth
7312 Yorktowne Drive
Towson, Maryland 21204

Re: Case number: 88-326-A
W/S Yorktowne Dr., 330' N of c/l Stevenson Lane (7312 Yorktowne Dr.)
9th Election District - 4th Councilmanic District
Petitioners: Raymond L. Roth, et ux

Dear Mr. & Mrs. Roth:

Please be advised that \$26.91 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/24/88 ACCOUNT: 88-326-A

AMOUNT: \$ 26.91

RECEIVED FROM: Raymond L. Roth

FOR: 88-326-A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rear yard setback of 16 ft. in lieu of the required 30 ft.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to permit a rear yard setback of 16 ft. in lieu of the required 30 ft.

PRACTICAL DIFFICULTY

The house construction and floor plan layout precludes construction on the side or front where there is more room. The lot is not square and the existing houses in the neighborhood are setback much more than the minimum required front setback, therefore the rear yard is very small.

Property is to be posted and advertised as prescribed by Zoning Regulations.

If we, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Name

Address

City and State

Phone No.

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of February, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of February, 1988, at 9 o'clock a.m.

ESTIMATED LENGTH OF HEARING: 15 MIN. (over)

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-326-A
W/S Yorktowne Dr., 330' N of c/l Stevenson Lane (7312 Yorktowne Dr.)
9th Election District - 4th Councilmanic District
Petitioners: Raymond L. Roth, et ux
DATE/TIME: MONDAY, FEBRUARY 22, 1988 at 9:00 a.m.

Variance to permit a rear yard setback of 16 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 2/24/88 ACCOUNT: 88-326-A

AMOUNT: \$ 25.00

RECEIVED FROM: Raymond L. Roth

FOR: 88-326-A

VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Beginning on the W/S of Yorktowne Dr. Approximately 330 ft. N. of the centerline of Stevenson Lane. Being lot # 32 on the plat of Yorktowne Book # 12, Folio #50. Containing 10,960 sq. ft. in the 9th. Election district. Also known as # 7312 Yorktowne Dr.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Variance
Petitioner: Raymond L. Roth, et ux
Location of property: 7312 Yorktowne Dr., 330' North of Stevenson Lane, 9th Election District
Location of Sign: On front of 7312 Yorktowne Dr.
Remarks: _____
Posted by: J. Robert Haines
Number of Signs: 1
Date of Posting: 2-22-88
Date of return: 2-25-88

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 3, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md, once in each of 1 successive weeks, the first publication appearing on Feb. 3, 1988.

TOWSON TIMES.

J. Robert Haines
Publisher

88-326-A

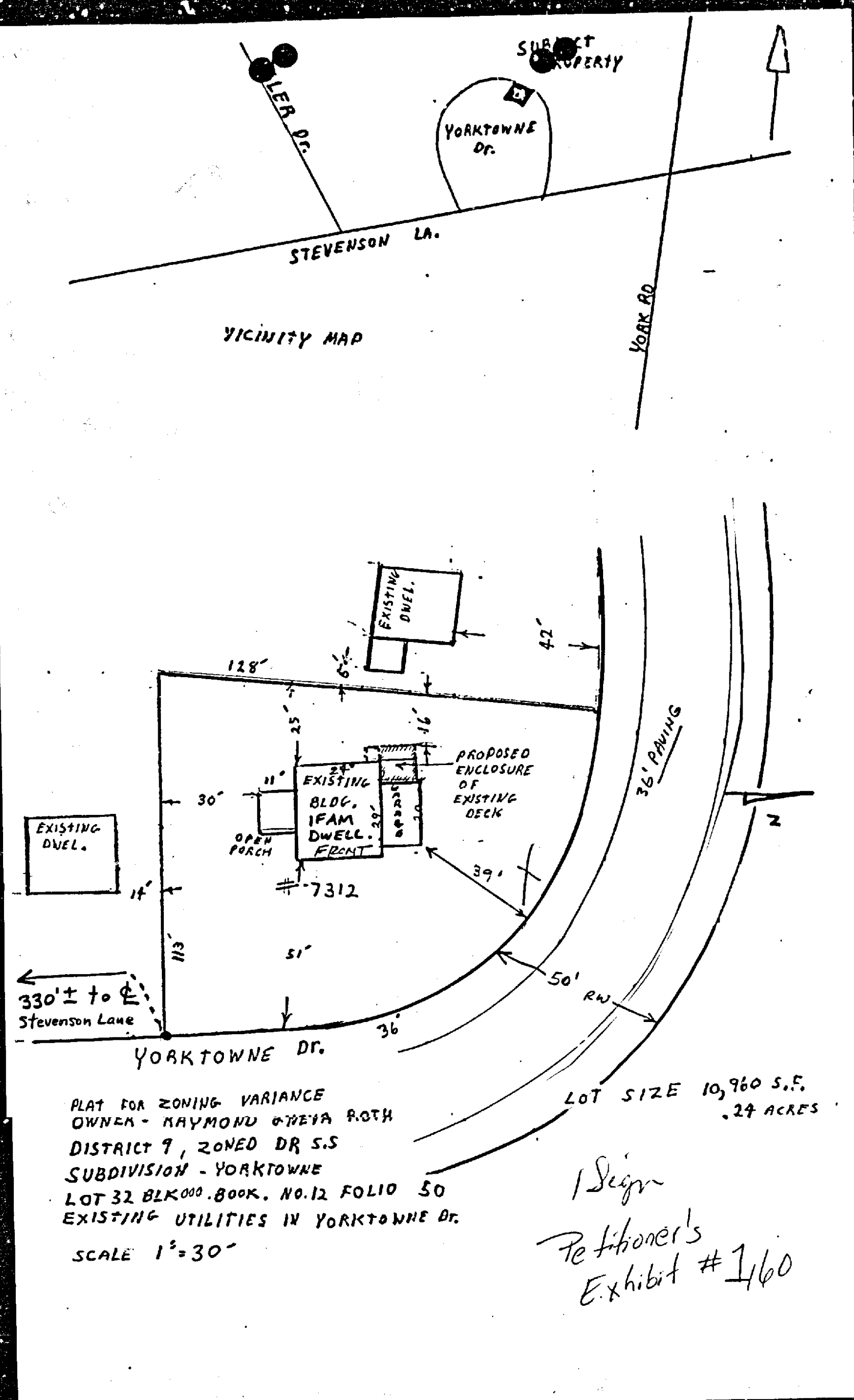
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 24th day of November, 1987.

J. Robert Haines
Zoning Commissioner

Petitioner: Raymond L. Roth, et ux
Petitioner's Attorney: _____
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

November 24, 1987

Re: Property Owner: Raymond L. Roth
Location: W/S Yorktowne Drive, approx. 330' N. c/1 Stevenson Lane

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown on _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] 11-25-87 Noted and Approved: [Signature] Fire Prevention Bureau
Planning Group
Special Inspection Division

1/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-325-A, 88-326-A,
SUBJECT: 88-327-SUB, 88-330-A, 88-339-A

Date: January 14, 1988

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
JAN 19 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Raymond L. Roth
7312 Yorktowne Drive
Towson, Maryland 21204

RE: Item No. 160 - Case No. 88-326-A
Petitioner: Raymond L. Roth, et ux
Petition for Zoning Variance

Dear Mr. Roth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

EARLY HEARING REQUEST

TO: J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

FROM: Mr. & Mrs. RAYMOND AND NEVA ROTH
7312 YORKTOWNE DR.
TOWSON, MD.

DEAR SIR,
WOULD YOU PLEASE GRANT US A DECISION AS SOON AS POSSIBLE ON OUR ZONING VARIANCE PETITION. WE WILL NOT BE USING ANY ADDITIONAL AREA OF OUR HOUSE - NOT ALREADY BEING USED ON THE PROPERTY - FOR THE ENCLOSING OF THE DECK AND WOULD LIKE TO GET THE NEEDED PROJECT UNDERWAY BEFORE WINTER WEATHER ARRIVES.

SINCERELY
THE ROTHs

#160

December 2, 1987

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162, 163, 165, 166, and 167.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:sb

RECEIVED
DEC 22 1987
ZONING OFFICE